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DATE: June 3, 2009

REF. NO.: TSR-10002/38, *Serial No. 10/706,738, Appeal No. 2008-5483*

MESSAGE TO: Board of Patent Appeals and Interferences

COMPANY: U.S. Patent and Trademark Office

FAX NUMBER: (571) 273-0299

PHONE:

FROM: Avery N. Goldstein, Ph.D.

PHONE: (248) 647-6000

PAGES (Including Cover Sheet): 1 **HARD COPY TO FOLLOW:** YES NO

MESSAGE: Dear Madam:

Please be advised that we wish to withdraw from appeal at this time. Therefore, please remove the above-referenced appeal from the June 9, 2009 appeal docket. We will be filing a RCE in lieu of this appeal.

Best regards,

/Avery N. Goldstein/

Avery N. Goldstein, Ph.D., Reg. No. 39,204

cc: USPTO Central Office: 571-273-8300

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